

Remarks

Claims 1 – 5 and 9 were rejected.

Claims 6 – 8, previously withdrawn from consideration, have been canceled without prejudice.

Claims 1 – 5 and 9 are pending.

Claim Rejections

Concerning droplets and apertures in Bohm (US 2003/0015425), Examiner states:

“continuously is interpreted to include uninterrupted extension in space, time, or sequence”

Examiner further states:

“droplets of the second fluid sample are interpreted to ‘continuously’ contact the apertures at least during a short time period wherein the droplet first contacts the apertures”

Thus Examiner appears to say that something that happens “during a short time period” happens “continuously”.

Applicant is perplexed by Examiner’s interpretation of the word “continuously”. How short a duration is necessary for something *not* to be continuous? Are “fleeting” or “briefly” equivalent to “continuous”?

In particular, Bohm’s droplets (e.g. item 19b) do not provide *continuous contact* (or any contact, in fact) between channel (item 4) and an external fluid bath in item 18.

Should Examiner not find this explanation agreeable and satisfactory to overcome the rejection under 35 USC 102, *Applicant requests an*

interview with Examiner for further discussion before the next office action.

1. Claims 1 – 5 and 9 were rejected under 35 USC 102(b) as anticipated by Bohm (US 2003/0015425).

Claim 1 recites, in part, “the apertures are continuously in contact with an external fluid bath”.

Claim 9 recites, in part, “a plurality of apertures defined in the channel for providing continuous fluid communication between the channel and a reservoir containing a sample solution”.

As explained above, Bohm (US 2003/0015425) does not describe apertures in continuous (i.e. uninterrupted) contact with an external fluid bath or apertures defined in a channel for providing continuous (i.e. uninterrupted) fluid communication between the channel and a reservoir containing a sample solution.

One or more claimed elements or limitations do not appear in the reference; thus the reference does not anticipate the claims. Claims 2 – 5 depend from Claim 1.

Applicant respectfully requests that the rejection under 35 USC 102(b) of Claims 1 – 5 and 9 be withdrawn.

Conclusion

In conclusion, and in view of the amendments and remarks, it is respectfully submitted that all claims are now in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

/mu/

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